IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision No. 35 of 1993

Date of Decision :- July 13, 2007

Satnam Singh and another ....PETITIONERS

VERSUS

The State of Punjab ....RESPONDENT

CORAM: HON'BLE MR. JUSTICE MEHTAB S.GILL

Present:- Mr. Vinod Ghai, Advocate
for the petitioner.

Mr. D.K.Mittal, Deputy Advocate General, Punjab.

MEHTAB S.GILL, J.

This is a revision against the judgment dated 14.1.1993 of the learned Additional Sessions Judge, Barnala, dismissing the appeal of the petitioners against judgment dated 5.5.1990 of the Judicial Magistrate 1st Class, Barnala, convicting Satnam Singh son of Gulzar Singh and Rupa Singh son of Sucha Singh under Sections 326/325/324/323/34 IPC and sentencing them to undergo various terms.

The case of the prosecution is that on 26.8.1988 SHO P.S. Barnala received a wireless message that Karnail Singh son of Bishan

Singh was admitted in the hospital. HC Lachhman Dass and Constable Ranjit Singh were sent to the hospital. Statement of Karnail Singh was recorded. Karnail Singh stated, that at about 7.00 a.m., he was going to his fields, where Narma crop had been planted. His son Malkiat Singh was along with him. When they reached near the canal minor bridge, Satnam Singh armed with gandasa and Rupa Singh also armed with a gandasa were sitting there. When they passed near Satnam Singh, he told Karnail Singh, that he was not allowing him to move into the streets, so he would teach him (Karnail Singh) a lesson. At this, Satnam Singh gave a gandasa blow to Karnail Singh, which hit on his left hand. Rupa Singh gave a gandasa blow, which hit him on the upper side of the left eye. Satnam Singh gave a gandasa blow, which hit him on the left eye. Malkiat Singh tried to save him. Rupa Singh gave a gandasa blow, which hit him on the left leg. More injuries were inflicted on Karnail Singh. Thereafter, both went away.

The prosecution to prove its case brought into the witness box Dr. S.J.Juneja PW1, Dr. Hem Raj Garg PW2, Karnail Singh PW3, Malkiat Singh PW4 and HC Lachhman Dass PW5.

Dr. Hem Raj Garg PW2 examined Karnail Singh and found the following injuries on his person: -

> " 1. Incised bleeding wound 3 cm x ½ cm x muscle deep on the left side of the forehead just above the left eye brow and 1 cm from the outer angle of the left eye. Direction obliquely vertical.

2. Incised bleeding wound 3 cm x 2 cm x muscle deep on the left side of the fact 1 cm below the outer angle of the left eye. Direction obliquely vertical.
3. Lacerated bleeding wound 2 xm x 1 cm on the left side of occipital region of head 5 cm from the occipital prominence.
4. Reddish contusion 5 cm x 4 cm on the top and back left shoulder. Advised X-ray.
5. Incised bleeding wound 17 cm x 2 cm x muscle deep on the beck and outer aspect of lower 1/3rd of left lower arm.
6. Incised bleeding wound 7 cm x 2½ cm x 2 cm on the front of thiner eminence of left hand underlying bone was cut through and through.
7. Incised bleeding wound 4 cm x 3 cm x 2.5 cm on the front and base of left thumb. Left thumb is almost amputated from its place and is hanging with small tag of skin. Underlying bone was cut through and through.
8. Lacerated wound 1 cm x ½ cm on the middle anterior aspect of left leg".

I have heard the learned counsel for the parties, perused the impugned judgments and the record with their assistance.

Both Karnail Singh PW3 and Malkiat Singh PW4 have supported the case of the prosecution. The medical evidence corroborates the ocular account. Occurrence had taken place at 7.00 a.m. on 26.8.1988 and Karnail Singh PW3 was examined at 10.00 a.m. by Dr. Hem Raj PW2. FIR came into existence at 2.00 p.m. and the special report reached the Ilaqa Magistrate at 5.50 p.m. In fact there is no delay in lodging of the FIR, which itself goes a long way in proving the case of the prosecution.

The contention of the learned counsel for the petitioner that there is no motive for the commission of the offence is devoid of any force. From the evidence on record, there are 6/7 houses in Addewali basti. It is this place, where the complainant had told the accused not to roam around aimlessly.

I do not find any infirmity in the judgment of the learned Additional Sessions Judge, Barnala.

Occurrence is of the year 1988 and appeal is pending in this Court since 20.1.1993. The sword of conviction has been hanging over the head of the petitioners for the last 19 years. This itself is a punishment. Taking the circumstances in totality, conviction of the petitioners is maintained and sentence is modified to already undergone.

With the above modification in sentence, revision petition is dismissed.

July 13, 2007 **(MEHTAB S.GILL)**
ska **JUDGE**

WHETHER TO BE REFERRED TO REPORTER? YES/NO